

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VICTOR VEGA, #1447025 §  
VS. § CIVIL ACTION NO. 6:16cv573  
TEXAS DEPARTMENT OF CRIMINAL §  
JUSTICE, ET AL.

ORDER OF DISMISSAL

Plaintiff Victor Vega, an inmate confined at the Michael Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation (Dkt. #4) concluding that the lawsuit should be dismissed for want of prosecution and failure to obey an order. Mr. Vega has filed objections (Dkt. #6).

On June 13, 2016, another prisoner, Steven Green filed a lawsuit pursuant to 42 U.S.C. § 1983, complaining about the prison system's failure to compensate inmates for work. *See Green v. Texas Department of Criminal Justice*, Civil Action No. 6:16cv503 (E.D. Tex.). Mr. Vega, among others, joined as a putative co-Plaintiff in that case. The Court issued an Order in that case, which is also docketed as docket entry #2 in the instant case, severing all of the putative co-Plaintiffs into individual cases and requiring each, including Mr. Vega, to file his own individual complaint and to either pay the \$400 filing fee or a motion to proceed *in forma pauperis*.

Mr. Vega never complied with the order; thus, the Report and Recommendation was issued on October 14, 2016. In his objections, Mr. Vega states that Mr. Green instructed everyone not

to pay an initial partial filing fee because there would only be one filing fee and the lawsuit would proceed as a class action case. Mr. Green's motion to certify a class action, however, was denied on October 24, 2016. Moreover, his lawsuit was dismissed because he failed to pay the initial partial filing fee in his case. On November 14, 2016, Magistrate Judge Love issued an order explaining the situation about Mr. Green's case to Mr. Vega and giving him thirty additional days to comply with the order. The court has received an acknowledgment from Mr. Vega indicating that he received the order on November 18, 2016, but he has neither responded nor complied with the order. The case should thus be dismissed for want of prosecution and failure to obey an order.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Vega to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Vega's objections are without merit. It is therefore

**ORDERED** that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order of the court. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this 9 day of January, 2017.



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Ron Clark, United States District Judge